

REMARKS

Claims 1, 3, 5, and 7-11 have been rejected under 35 U.S.C. § 112 for informalities, and under 35 U.S.C. § 101 for claiming non-statutory subject matter. Claims 1, 3, 5 and 7 have been rejected under 35 U.S.C. § 102(b) as anticipated by Hitch. Claims 8-11 have been rejected under 35 U.S.C. § 103 as obvious over Hitch.

Claims 1, 3, 5, and 7-22 are now pending in the application. Claims 8 and 10 have been amended. Claims 12-22 have been added.

Independent claims 1 and 5 have been rejected under 35 U.S.C. § 102 as anticipated by Hitch. Applicant respectfully traverses the rejection.

Claim 1 recites “software adapted to generate a consensus PPS value based upon said first timer count value and said second timer count value and to generate said reload value based upon said consensus PPS value.” The Office Action equates this with the Hitch disclosure of calculating a phase difference. However, the phase difference is not a PPS value, let alone a consensus PPS value. As is detailed in column 6, line 61 – column 7, line 10 of Hitch, the phase value is converted to a digital word that is used as a control word to reduce the phase error. The phase error is never in the form of a PPS value, let alone a consensus PPS value.

Similarly, claim 5 recites “generating a consensus timer count value” based upon the first and second timer count values. As noted above, the digital control word that represents the phase difference in Hitch is not a timer value, let alone a consensus timer value.

Accordingly, claims 1 and 5 recite at least one limitation that is not found in the Hitch reference. The rejection of claims 1 and 5 may therefore not be properly maintained. Withdrawal of the rejection of claims 1 and 5 and allowance of the same are therefore respectfully requested.

Claims 3 and 7, which depend from claims 1 and 5, were also rejected under 35 U.S.C. § 102 as anticipated by Hitch. For at least the reasons discussed with respect to claims 1 and 5 above, these dependent claims are likewise believed patentably distinct over the applied art. Withdrawal of the rejection of these claims and allowance of the same is therefore requested.

Claims 8-11, which depend from claims 1 and 5, have been rejected under 35 U.S.C. §103 as obvious over Hitch. Applicants traverse the rejection for at least the reasons discussed with respect to independent claims 1 and 5.

All claims have been rejected under 35 U.S.C. § 112 for failing to distinctly point out the invention. The Office Action states that claimed elements do not achieve the goal of coordinating the activities of one or more computers. The specification clearly states have the various interrupt signals and reload signals can be used to coordinate different computers. There is no requirement in patent law that the limitations of a claim specifically recite all steps necessary to accomplish that broader goal, and Applicants are entitled to claim parts of their invention that contribute to that goal. One of skill reading the patent application in its entirety would understand how the claimed invention could be used for the non-limiting purpose as stated in the preamble. Withdrawal of the rejection is therefore requested.

Claims 1 and 3 have been rejected under 35 U.S.C. § 101 for lack of statutory subject matter, citing MPEP 2100. Applicants traverse the rejection. The noted portions of MPEP 2100 are limited to process claims, not apparatus claims. Claims 1 and 3 and apparatus claims that recite various structural components adapted to perform various functions. This is a classic type of claim, fully consistent with 35 U.S.C. § 101. Withdrawal of the rejection of claims 1 and 3 is respectfully requested.

Claims 5 and 7-11 (which are method claims) have also been rejected under 35 U.S.C. § 101 for lack of statutory subject matter, on the grounds that the claims fail to produce a useful result. Applicants traverse the rejection. Claim 5, and claims that depend therefrom, recite taking and processing specific signals and parameters to generate there from a new signal, i.e., an interrupt signal. The value of this signal is discussed at length in the application. The manner in which the signal is generated – by seizing specific value and forming consensus –clearly exceeds the scope of mathematical algorithm. The claims language is consistent with thousands of patents issued in signal processing by computers. Withdrawal of the rejection and allowance of the same is therefore requested.

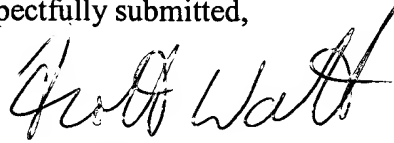
Claims 8-11 have been rejected under 35 U.S.C. § 112 for lack of antecedent basis. Claims 8 and 10 have been amended to correct the same. Withdrawal of the rejection of claims 8-11 on this basis is therefore respectfully requested.

Claims 12-22 have been added to further recite that which Applicants regard as their invention. New independent claims 14 and 15 recite the same consensus values language as found in claims 1 and 5, and are patentably distinct over the applied art for at least the reasons discussed with respect to claims 1 and 5. Favorable consideration of new claims 12-21 is therefore requested.

In view of the foregoing, the application is believed to be in condition for allowance, and a notice to that effect is earnestly solicited.

The Commissioner is hereby authorized to charge any missing or insufficient fee(s) or credit any overpayment, to Deposit Account No. 19-4293 (Case No. 12492.0281).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Watkins", written in a cursive style.

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